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LAS VEGAS METROPOLITAN POLICE
8 **DEPARTMENT, SHERIFF DOUGLAS**
9 **GILLESPIE and OFFICER SCOTT NIELSON**

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 HARVESTER HARRIS,

13 Plaintiff,

14 vs.

15 CITY OF HENDERSON; a political
subdivision of the State of Nevada; LAS
16 VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the
17 State of Nevada; SHERIFF DOUG
GILLESPIE, individually; CHIEF PATRICK
18 MOERS, individually; OFFICER SCOTT
NIELSON, P#4408, individually;
19 DETECTIVE PERDUE, individually; DOE
OFFICERS III-X; and JOHN DOES I-X,
inclusive,

20 Defendants.

Case No. 2:15-cv-00337-GMN-PAL

**STIPULATION TO EXTEND
DISCOVERY**

(Second Request)

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22 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
23 cut-off date of February 1, 2016, be continued for a period of sixty (60) days up to and including
24 April 4, 2016, for the purpose of allowing the parties, including newly appearing Defendants, to

1 complete written discovery in this matter; for the parties to disclose expert witnesses; and for the
2 parties take several depositions of the parties and witnesses.

3 **DISCOVERY COMPLETED TO DATE**

4 Defendants, LAS VEGAS METROPOLITAN POLICE DEPARTMENT, SHERIFF
5 DOUGLAS GILLESPIE, and OFFICER SCOTT NIELSON ("LVMPD Defendants") have
6 produced their initial Rule 26(f) Disclosures to HARVESTER HARRIS ("Plaintiff") and CITY
7 OF HENDERSON and DETECTIVE PERDUE ("Henderson Defendants"). Likewise, Plaintiff
8 has provided his Disclosures to all Defendants. LVMPD Defendants have also produced their
9 First Supplemental Disclosure to the parties as well.

10 LVMPD Defendants have served written discovery on Plaintiff, which responses have
11 been received. Plaintiff recently served his initial written discovery on LVMPD Defendants,
12 which responses are due November 30, 2015. LVMPD Defendants served numerous third-party
13 Subpoenas which responses have been received and LVMPD Defendants are currently reviewing
14 and preparing a supplemental disclosure with the responses. Henderson Defendants will be
15 providing their Rule 26(f) Disclosures to the parties.

16 **DISCOVERY YET TO BE COMPLETED**

17 As noted above, LVMPD Defendants will be providing the responses to various third-
18 party Subpoenas and responding to Plaintiff's initial written discovery requests. Henderson
19 Defendants will be serving their initial Rule 26(f) Disclosures to the parties. The parties are in
20 the process of retaining expert witnesses. Expert witness and rebuttal expert witness reports will
21 be timely disclosed. The depositions of the parties and Rule 30(b)(6) witnesses will be taken.

22 **REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

23 As shown above, the parties have been diligent in conducting discovery in this matter.
24 As this Court is aware, Plaintiff was given leave to amend his complaint which named Officer

1 Scott Nielson and Detective Perdue. Officer Nielson and Detective Perdue recently responded to
 2 the amended complaint. In light of the newly named Defendants the scope of discovery has
 3 changed. The parties require additional time to retain experts and provide the materials disclosed
 4 in this matter to those experts. The experts will need additional time to review the materials and
 5 prepare their expert reports. In short, the requested extension is necessary for the purposes of
 6 expert witnesses and to take depositions.

7 PROPOSED EXTENDED DEADLINES

8 Accordingly, it is hereby stipulated and respectfully requested that this Court enter an
 9 order as follows:

10 **(A) Discovery Deadline.**

11 That the current discovery cut-off date of February 1, 2016, be extended for a period of
 12 sixty (60) days, up to and including April 4, 2016.

13 **(B) Experts and Rebuttal Experts.**

14 The parties, and each of them, shall disclose their experts to each other at least sixty (60)
 15 days before the discovery cut-off date, or by February 3, 2016. The parties, and each of them,
 16 shall disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of
 17 experts, or by March 7, 2016.

18 **(C) Dispositive Motions.**

19 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
 20 motions for summary judgment, and all other dispositive motions shall be filed and served no
 21 later than thirty (30) days after the close of discovery, which is by May 4, 2016.

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1 **(D) Motions in Limine/Daubert Motions.**

2 Under LR 16-3(b), any motions in limine, including Daubert type motions, shall be filed
3 and served thirty (30) days prior to the commencement of Trial. Oppositions shall be filed and
4 served and the motion submitted for decision fourteen (14) days thereafter. Reply briefs will be
5 allowed only with leave of the Court.

6 **(E) Pretrial Order.**

7 Pursuant to LR 26(1)(e)(5) the Joint Pretrial Order shall be filed with this Court no later
8 than thirty (30) days after the date set for filing dispositive motions, which shall be by June 3,
9 2016, unless dispositive motions are filed, in which case the date for filing the Joint Pretrial
10 Order shall be suspended until thirty (30) days after the decision on the dispositive motions or
11 further order of this Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any
12 objections shall be included in the final pretrial order.

13 **(F) Interim Status Report.**

14 In accordance with LR 26-3, not later than sixty (60) days before the discovery cut-off,
15 the parties shall submit an interim status report stating the time they estimate will be required for
16 trial giving three (3) alternative available trial dates, and stating whether in the opinion of
17 counsel who will try the case, trial will be eliminated or its length affected by substantive
18 motions. The status report shall be signed by counsel for each party or the party, if appearing in
19 *pro se*. The parties shall file the interim status report by February 3, 2016.

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1 **(G) Extensions or Modification of the Discovery Plan and Scheduling Order.**

2 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
3 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
4 supported by a showing of good cause for the extension. All motions or stipulations to extend a
5 deadline set forth in a discovery plan shall be received by the Court not later than twenty-one
6 (21) days before the expiration of the subject deadline. A request made after the expiration of
7 the subject deadline shall not be granted unless the movant demonstrates that the failure to set
8 was the result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen
9 discovery shall include:

- 10 (a) A statement specifying the discovery completed;
- 11 (b) A specific description of the discovery that remains to be completed;
- 12 (c) The reasons why the deadline was not satisfied or the remaining discovery was
13 not completed within the time limits set by the discovery plan; and
- 14 (d) A proposed schedule for completing all discovery.

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1 This extension request is made in good faith, jointly by the parties, to allow them to
 2 complete discovery necessary to the claims and defenses in this matter. This request is timely
 3 pursuant to LR 26-4. Trial in this matter has not yet been set and dispositive motions have not
 4 yet been filed. As such, this extension will not delay this case. Moreover, since this request is a
 5 joint request, neither party will be prejudiced. In fact, the extension will benefit the parties in
 6 allowing them to properly litigate their case.

7 DATED this 5th day of November, 2015.

8 KAEMPFER CROWELL

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18 **IT IS SO ORDERED.**

19 DATED this _____ day of November, 2015.

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23 UNITED STATES DISTRICT COURT JUDGE
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